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September 16, 2004

Supervisor Stephen J. Snow
Loudoun County Board of Supervisors
1 Harrison Street, S.E., Fifth Floor
Leesburg, Virginia 20177-7000

Supervisor Jim E. Clem
Loudoun County Board of Supervisors
1 Harrison Street, S.E., Fifth Floor
Leesburg, Virginia 20177-7000

Re: Village Conservation Overlay District

Dear Supervisors Snow and Clem:

Thank you both for your interest in land use matters related to the Village of St. Louis. As you are aware, with the adoption of the revised Zoning Ordinance in January of 2003, a Village Conservation Overlay District was established and applied to the County's thirteen existing villages, including St. Louis. The intent of the Village Conservation Overlay District is to "*recognize the development patterns existing in traditional villages...and to encourage the retention and reinforcement of the pattern, character and visual identity of the individual village.*" Unfortunately, it is difficult in a generalized ordinance standard to recognize the individual characteristics of thirteen different villages. In order to be able to reflect the unique characteristics of each of the individual villages, an amendment to the Village Conservation development standards is needed.

Currently, the development standards (Section 4-2104 (B) (3)) require sidewalks along at least one side of the street for any development within the villages, regardless of whether there are existing or planned sidewalks with which to connect, or whether the sidewalk would be of public benefit.

I have been working with Albert Bland in an effort to subdivide his five acre property into two parcels. Mr. Bland's property is zoned CR-1 with the addition of the Village Conservation Overlay District. The Overlay District regulations require the construction of a sidewalk in order to subdivide this five acre lot. The proposed lots are large (3 acres and 2 acres in size) and are served by privately maintained roads. There are no existing or planned sidewalks with which to connect and further, with the exception of the walk in front of the public school, there are no sidewalks in the whole of St. Louis. The provision of sidewalks in the proper location is good. However, the provision of a sidewalk in this particular location would provide no enhancement to the property nor offer any greater public benefit. The requirement to construct a sidewalk would increase the impervious surface, the cost of development

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and the long term maintenance costs for future property owners. We have explored the possibility of a Zoning Variance and a waiver to the sidewalk construction standards. After much research and in consultation with County staff, we believe the best avenue to approach this zoning issue is to seek an amendment to the Overlay District regulations. As with any new Ordinance provisions it takes time and application to find those areas where fine-tuning is appropriate.

We are hopeful that you would be willing to sponsor an intent to amend the Ordinance. To this end, I have enclosed the following for your consideration:

1. Draft Intent to Amend Resolution;
2. Draft Board Action Item;
3. Draft Text Amendments to Section 4-2100, Village Conservation Overlay District, Revised 1993 Zoning Ordinance;
4. Draft Text Amendments to Section 4.600, Facilities Standards Manual; and
5. An Outline of Observations and Recommendations for the proposed Amendment.

I have included a disk with these documents in the copy to Ms. Linda Neri in the event you wish to utilize the enclosed draft format. Please let me know if you have any questions or need additional information. We would very much appreciate your assistance in this matter. I would also like to take this opportunity to let you know that the County staff has been very helpful and to express our appreciation for their time and guidance as well. We look forward to working with you on this matter. Thank you for your time and consideration.

Very truly yours,



REED SMITH LLP
Sara Howard-O'Brien, AICP
Planner

SHO/jlb

Enclosures

cc: Albert Bland
Linda Neri
Charles Yudd
Melinda Artman
Jeff Wolford

AMEND SECTION 4-2104(B)(3)
SIDEWALKS

Section 4-2100 Village Conservation Overlay District

4-2101 Purpose. The overlay is established to recognize the development patterns existing in traditional villages, considered to be valuable heritage resources, and to encourage the retention and reinforcement of the pattern, character and visual identity of the individual village.

4-2102 District Boundaries. The Village Conservation Overlay District boundaries shall be as established on the adopted zoning map and affect the following villages set forth below.

(A) Traditional Villages

- (1) Aldie
- (2) Aldie Mountain
- (3) Ashburn
- (4) Bluemont
- (5) Lincoln
- (6) Loudoun Heights
- (7) Lucketts
- (8) Neersville
- (9) Paeonian Springs
- (10) Philomont
- (11) St. Louis
- (12) Taylorstown
- (13) Waterford

(B) Expansion of Village Conservation Overlay District Boundaries. Expansion of the Village Conservation Overlay District shall only be permitted for those areas designated for traditional village on the adopted Comprehensive Plan.

4-2103 Overlay District Established. The Village Conservation Overlay District is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Land within the Village Conservation Overlay District may be used as permitted in the underlying district, subject to the additional neighborhood development standards of this district.

Additional Neighborhood Development Standards. Where the following requirements conflict with other provisions of this Ordinance, then the following requirements of this Section shall apply:

(A) Contextual Compatibility Development Standards.

- (1) Average Front Yard.** Adjacent buildings shall have front yard distances that maintain visual continuity of the streetscape. Buildings shall have front yards of a distance equal to the average front yard of all buildings on the same side of the street within 150 feet of both sides of the parcel or parcels being developed.
- (2) Building Height.** Proposed buildings shall have a building height no higher than the highest building on the same side of the street within 150 feet of both sides of the parcel or parcels being developed, not to exceed the maximum building height permitted in the underlying zoning district.

(B) Other Standards

- (1) Street System / Connectivity.**

 - (a)** Connections to Existing Streets. Connections to the existing or planned street system shall be made to the maximum extent feasible. All development plans shall incorporate and continue all streets stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development.
- (2) Variation of Lot Building Sizes.**

 - (a)** In all new residential subdivisions containing six (6) or more lots, a mixture of lot sizes and dimensions shall be provided. For example, larger and wider lots are encouraged on corners. Smaller lots are encouraged adjacent to parks and open spaces. No more than 33 percent of all lots shall be similar in total lot area. For purposes of this subsection, “similar” lot areas shall be defined as within 500 square feet of each other.

(3) **Sidewalks**

(a) ~~Sidewalks shall be provided on one side of all streets, or greater if required by~~If sidewalks exist on the same side of the street within 150 feet of either side of the parcel or parcels being developed, then sidewalks shall be provided for the parcel or parcels being developed in accord with the Facilities Standards Manual (FSM).

(b) If sidewalks are planned and shown as stubbed to the boundary of the parcel or parcels being developed by previously approved development plans/plats, then sidewalks shall be provided for the parcel or parcels being developed. Sidewalks shall be stubbed at the property boundaries of the parcel or parcels being developed to allow for future planned connections.

(c) (b) Sidewalk connections. Connections to existing or planned sidewalks shall be made at the property boundaries of the project by incorporating and continuing all sidewalks stubbed to or shown as stubbed to the boundary of the development by previously approved development plans/plats or existing development. All~~Where there are existing or planned sidewalks,~~ development plans shall provide for future sidewalk connections to adjacent developable parcels at planned or current local street connections along each subdivision plat boundary.

(d) For the purposes of this section, renovations or additions to existing residential units are exempt from these sidewalk provisions.

(4) **Street Trees.** In addition to tree planting and replacement requirements of Section 5-1300, street trees shall be provided along the frontage of each lot and shall be regularly spaced.

(5) **Garage locations.** Garage locations shall be setback at least 20 feet behind the front line of all principal buildings, except when a lot within 150 feet of, and on the same side of the street as, the subject lot has a garage setback less than 20 feet from the front lot line of all principal buildings

on such lot, in which case the minimum garage setback shall be equal to the garage setback on such lot.